



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20241
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09 811,365	03 16 2001	Wayne V. Sorn	5489P038X	2223

7590 03 07 2003

Lester J. Vincent
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

EXAMINER

HEALY, BRIAN

ART UNIT PAPER NUMBER

2874

DATE MAILED: 03/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,365

Applicant(s)

SORIN, WAYNE V.

Examiner

Brian M. Healy

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 40-50 is/are allowed.
- 6) ☐ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/022,413.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 10
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: Brian Healy

Art Unit: 2874

DETAILED ACTION

Allowable Subject Matter

1. Claims 40-50 are allowed.

None of the references of record teaches or suggests spectral monitor with an optical fiber with multiple modes; a mode coupler coupled to the optical fiber that creates a coherent coupling between a first and second mode and a core blocking member coupled to the optical fiber with the core blocking member configured to block those portions of the first mode that are not coupled to the second mode. Also what is not shown or taught is a polarization independent independent spectral monitor including first and second mode couplers coupled to an optical fiber with multiple modes with the first and second mode couplers with first and second acoustical waves that are orthogonal to each other.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2874

3. Claims 1-39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kim et. al., U.S.P. No.4,915,468.

Kim '468 teaches (Figs.1-40) a method and apparatus for measuring the power spectrum (or modal intensities) of an optical signal comprising: a signal light source 3600, an acousto-optic means 3630 coupled to a multimode optical fiber 3654,3660 which is also performs mode coupling between core/cladding modes and is used with mode coupler 3680,3676 with polarization filters 3692,3690 wherein a pair of detectors 3700,3702 detects/measures the power or intensity and phase of first and second coupled modes using processor means 3730,3710,3712 and uses the received results to change the signal to an acousto-optical means 3630 using feedback 3704,3706, which clearly, fully meets applicant's claimed limitations.

The following references are also cited by the Examiner as being pertinent prior art: Kim et. al., U.S.P. No.4,828,350(Figs.1-12), Beasley, U.S.P. No.4,725,115 (Figs.1-4), Kim et. al., U.S.P. No.6,253,002 (Figs.1-27b), Kim et. al., U.S.P. No.6,233,379 (Figs.1-27b) and Kim et. al., U.S.P. No.6,021,237 (Figs.1-7D).

Any questions concerning this office action should be directed to:

Brian M. Healy

Primary Examiner

Art Unit: 2874

Phone: (703)308-2693



Brian Healy
Primary Examiner